

Message Text

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15

ACTION EA-10

INFO OCT-01 ISO-00 SP-02 AID-05 EB-07 NSC-05 CIEP-01

TRSE-00 SS-15 STR-04 OMB-01 CEA-01 CIAE-00 DODE-00

INR-07 NSAE-00 PA-01 USIA-06 PRS-01 L-03 H-02 COME-00

AGR-05 /077 W

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R 310425Z MAY 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 4003

C O N F I D E N T I A L MANILA 7470

E.O. 11652: N/A

TAGS: EGENN ECON, RP

SUBJECT: LAUREL-LANGLEY: STATUS OF LAND PROBLEMS

REF: A. MANILA 7381

B. MANILA 7382

C. STATE 125234

1. ADCM REVIEWED STATUS LAND ACTIONS REPORTED REFS A AND B WITH JUSTICE SECRETARY ABAD SANTOS MAY 30 AND WITH INDUSTRY SECRETARY PATERNO MAY 31. SPECIFIC SITUATIONS ARE AS FOLLOWS:

A. RESIDENTIAL LAND: ABAD SANTOS IS IN PROCESS OF DOING FINAL TEXT OF DECREE AFTER SOME BACKING AND FILLING WITHIN CABINET. IN ITS FINAL FORM ABAD SANTOS SAYS DECREE WILL PROVIDE FOR QUOTE CONTINUED HOLDING UNQUOTE OF RESIDENTIAL LAND OF NO MORE THAN 5,000 SQUARE METERS (ABOUT 1 1/4 ACRES) BY (A) AMERICAN CITIZENS WHO WERE FORMERLY PHILIPPINE CITIZENS -- THIS FINESSES THE DUAL NATIONAL ISSUE; (B) AMERICANS WHO HAVE RESIDED IN THE PHILIPPINES FOR 20 YEARS OR MORE; (C) AMERICANS WHO ARE OR WHO BECOME PERMANENT RESIDENTS. DECREE WILL APPLY TO A RESIDENCE ACQUIRED DURING PARITY BUT BEFORE THE
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QUASHA DECISION OF AUGUST 17, 1972. LAND WOULD BE

HELD IN EFFECT AS A LIFE TENANCY WITH RIGHT OF DISPOSAL TO A QUALIFIED PERSON. WHETHER HEREDITARY SUCCESSION ALLOWABLE NOT CLEAR.

B. INDUSTRIAL AND COMMERCIAL LANDS: PATERNO REPORTS THAT 10 PERCENT PROPOSALS SUBMITTED ON MAY 27 WRAPPED UP LIST EXCEPT FOR THOSE PROPOSING DIRECT SALE (ABOUT 9 OR 10). OF MORE THAN 50 PROPOSALS, PATERNO INDICATES THAT 40 OR MORE WILL TRACK WITHOUT SIGNIFICANT MODIFICATION. IT IS STILL NOT CLEAR AT THIS POINT WHETHER ANY FIRM WOULD QUALIFY AS A NON-PERFORMER AND THEREBY FACE POTENTIAL ESCHEAT ACTION. ON MATTER OF DEFECTS IN INDIVIDUAL PROPOSALS, PATERNO IS INCLINED TO SORT THEM OUT CASE-BY-CASE.

C. FORESHORE LAND: SINCE ISSUE OF CALTEX DECREE SEVERAL FIRMS HAVE BEEN IN PROCESS OF WORKING OUT CALTEX-LIKE SCHEMES, INCLUDING EXECUTION OF A LEASE-BACK CONTRACT WHICH SPECIFIES UNBROKEN OWNERSHIP OF IMPROVEMENTS.

D. POTENTIAL SNAG: THE PUBLIC LAND LEASE OF SINGER HAS REASSERTED ITSELF AS A POTENTIALLY STICKY PROBLEM. ABAD SANTOS HAS RULED THAT THE LEASE RIGHTS TO THIS LAND EXPIRED ON JULY 3, 1974 BECUASE THE LEASE WAS EXPLICITLY CONDITIONED (ALBEIT NOT OBVIOUSLY TERMINATED) RESPECTING THE END OF L-L. PATERNO SUGGESTS THAT SINGER REARGUE ITS CASE, CALLING ATTENTION TO THE FACT THAT SEVERAL LEASES BEING HANDLED, E.G., IN THE CALTEX MANNER, CONTAIN A CAVEAT RE THE END OF L-L. ABAD SANTOS IS DUG IN, HOWEVER, AND IT MAY NOT BE POSSIBLE TO TURN HIM AROUND.

2. COMMENT. WHILE THE RESIDENTIAL LAND DECREE HAS NOT GONE AS EARLIER ADVERTISED, THE SCHEME PUT FORWARD WILL HANDLE THE MAJORITY OF PROBLEMS. IF SOME CHOOSE TO REMAIN TREATY TRADERS OR FOR VARIOUS REASONS TO HOLD OTHER CATEGORIES OF VISAS, THEY WILL PER FORCE HAVE TO FOREGO CONTINUED HOLDING OF A RESIDENCE, ALTHOUGH THEY MAY ARRANGE A SALE AND LEASE BACK. WE DO NOT HAVE A SUFFICIENT LISTING AT THIS STAGE TO SAY WHAT RESIDUAL PROBLEMS WILL

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REMAIN,E.G., TITLES ACQUIRED AFTER THE QUASHA DECISION. OUR AIM IS TO KEEP THE INDUSTRIAL AND FORESHORE LEASE CASES MOVING, NOT LETTING TOO MUCH GRASS GROW UNDER THE MORE TROGLODYTE MERELY BECUASE MAY 27 HAS PASSED WITHOUT SHOCK.
PURNELL

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